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GROUP 3600

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 3634
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Attorney Docket No: Q67753

Domenico ARABINO

Appln. No.: 10/038,586

Group Art Unit: 3634

Confirmation No.: 1442

Examiner: Gregory Strimbu

Filed: January 08, 2002

For: WEATHER STRIP WITH A PRESSURE SENSITIVE SAFETY SWITCH FOR AN OPENING WITH WHICH A MOTOR-DRIVEN CLOSURE ELEMENT IS ASSOCIATED

REQUEST FOR RECONSIDERATION RESPONSE UNDER 37 C.F.R. § 1.116

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In the Final Office Action of March 30, 2004, Claim 4, the sole claim remaining in the application was rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in Figure 1 in view of Griesbach et al. The Examiner has taken the position that it would be obvious to provide the admitted prior art shown in Figure 1 of the present application with a protrusion on the base member similar to the protrusion 38 of Griesbach et al. to allow for the accurate transmission of force to the pressure sensor.

It is submitted that the structure and operation of the Griesbach et al. jamming-detection device is so entirely different in principle and operation from the admitted prior art of Figure 1

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that one skilled in the art would not even remotely consider shifting the projection 19 as shown in Figure 1 of the present application to the transfer space member in view of the teachings of Griesbach et al.

In Griesbach et al. the arrangement is such that when an obstacle 39 as shown in Figure 2 is trapped between the side window pane 4 and the sealing member 2, the obstacle 39 transmits the closing force F to the side legs 16 of the sealing member 2. The side legs in turn transmit the force to the edge portions 36 of the pressure sensor 32 which are non-active (column 5 lines 59-60). As a consequence the non-active edge portions 36 of the sensor 32 are displaced relative to the central active area 34 thereof which is substantially immobile since it rests against a relatively deformable and stable area 26 of the sealing member (column 6, lines 8-9; the central area largely retaining its shape...“;column 6, lines 10-11: the dimensionally stable central area 26...”). Therefore, it is readily apparent that the arrangement of Griesbach et al is of the kind in which when something becomes trapped between the window pane and the sealing member forces are exerted onto the non-active areas of the sensor so as to displace them relative to the central active area thereof which remains substantially stationary.

Furthermore, it is also readily apparent that the arrangement of Griesbach et al. is such that the path or direction of displacement of the window pane intersects the active area 34 of the pressure sensor and when something becomes trapped the lower wall of the compartment containing the pressure switch is not subjected to any forces whatsoever since, as summarized above, the closing force is instead transmitted to the side legs of the sealing member and to the

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non-active edge portions of the sensor. Quite differently therefrom the arrangement of the present invention is such that the path or direction of displacement of the window pane does not intersect at all the central active area of the pressure switch and when something becomes trapped the closing force is transmitted to the lower wall of the compartment containing the pressure switch and to the central active area of the latter.

In summary, while there is some superficial resemblance of the projection 38 of the Griesbach et al. to the projection 29 of the present invention. The nature and operation of the Griesbach et al. device is so different from the nature and operation of the admitted prior art of Figure 1 of the present application that one skilled in the art would not consider combining the references in the manner proposed by the Examiner. Such a suggestion could only come from the disclosure of the present invention which can not be relied upon when combining references. Therefore, it is respectfully requested that the rejection of Claim 4 be withdrawn, the claim allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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